



Minnesota Pollution Control Agency

**GENERAL PERMIT
AUTHORIZATION TO DISCHARGE STORMWATER
ASSOCIATED WITH MUNICIPAL SEPARATE STORM SEWER SYSTEMS
UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION
SYSTEM/STATE DISPOSAL SYSTEM (NPDES/SDS) PERMIT PROGRAM**

EFFECTIVE DATE: _____

EXPIRATION DATE: _____

In compliance with the provisions of the federal Clean Water Act, as amended, (33 U.S.C. 1251 et seq., 40 CFR 122, 123, and 124, as amended, et seq., Minnesota Statutes Chapters 115 and 116, as amended, and Minnesota Rules Chapter 7001 and 7090.

This permit establishes conditions for discharging **stormwater** and specific other related discharges to **waters of the state**. This permit is required for discharges that are from **Small Municipal Separate Storm Sewer Systems**, as defined in this permit.

Upon approval by the **Commissioner** applicants who submit a complete application in accordance with the requirements of this permit, are authorized to discharge **Stormwater** from **Small Municipal Separate Storm Sewer Systems (MS4)**, under the terms and conditions of this permit.

This permit shall become effective on the date identified above, and supersedes the previous general permit MNR040000, with an expiration date of May 31, 2011, issued for these facilities.

Signature: _____

Date: _____

Paul Aasen
Commissioner
Minnesota Pollution Control Agency

If you have questions on this permit, including the specific permit requirements, permit reporting or permit compliance status, please contact the appropriate **Agency** offices.

**Municipal Stormwater Program
Municipal Division
Minnesota Pollution Control Agency
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St. Paul, MN 55155-4194
Telephone: (651) 296-6300 or Toll free in Minnesota: 800-657-3864**

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PART I. AUTHORIZATION UNDER THIS PERMIT

A. Eligibility

To be eligible for authorization to discharge **stormwater** under this permit, the applicant must be an **owner/operator** of a **Small Municipal Separate Storm Sewer System** and meet one or more of the applicability criteria specified in Minn. R. 7090.1010.

1. Authorized **Stormwater** Discharges

This permit authorizes **stormwater** discharges from **Small Municipal Separate Storm Sewer Systems** as defined in 40 CFR § 122.26(b)(16).

2. Authorized **Non-Stormwater** Discharges

This permit authorizes the following **non-stormwater discharges** to enter a **Small MS4** provided the **permittee** of that **Small MS4** has conducted an assessment and found the discharges not to be significant contributors of pollutants to that **Small MS4**: Water line flushing, Landscape irrigation, Diverted stream flows, Rising ground waters, Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(b)(20)), Uncontaminated pumped ground water, Discharges from potable water sources, Foundation drains, Air conditioning condensation, Irrigation water, Springs, Water from crawl space pumps, Footing drains, Lawn watering, Individual residential car washing, Flows from riparian habitats and **Wetlands**, Dechlorinated swimming pool discharges, Street wash water, and Discharges or flows from fire fighting activities.

B. Limitations on Authorization

The following discharges or activities are not authorized by this permit:

1. **Non-stormwater discharges**, except those described in Part I.A.2. **Non-stormwater discharges** that are not authorized to be discharged to a **Small MS4** regulated by this permit include, but are not limited to: Combined sewer overflow, Noncontact cooling water, Sewage, Wash water, Scrubber water, Spills, Oil, Hazardous substances, Fill, Commercial equipment/vehicle cleaning and maintenance wastewaters.
2. Discharges of **stormwater** to the **Small MS4** from activities requiring a separate NPDES permit when those activities (e.g. construction activity as defined in 40 CFR § 122.26(b)(14)(x) and (b)(15), and industrial activity as defined in 40 CFR § 122.26(b)(14)(i)-(xi)) are owned and/or operated by the **Small MS4** authorized under this permit. This permit does not replace or satisfy any other permitting requirements.
3. Discharges of **stormwater** to the **Small MS4** from any other entity located in the drainage area or outside the drainage area. Only the **permittee's MS4** and the

portions of the storm sewer system that are under the **permittee's** operational control are authorized by this permit.

4. This permit does not replace or satisfy any environmental review requirements, including those under the Minnesota Environmental Policy Act (Minn. Stat. ch. 116D), or the National Environmental Policy Act (42 U.S.C. §§ 4321 - 4370 f).
5. This permit does not replace or satisfy any review requirements for endangered or threatened species, from new or expanded discharges that adversely impact or contribute to adverse impacts on a listed endangered or threatened species, or adversely modify a designated critical habitat.
6. This permit does not replace or satisfy any review requirements for historic places or archeological sites, from new or expanded discharges which adversely affect properties listed or eligible for listing in the National Register of Historic Places or affecting known or discovered archeological sites.
7. Prohibited Discharges pursuant to Minn. R. 7050.0180, subp. 3, 4, and 5.
8. Discharges of a **pollutant of concern** to an **impaired water**:
 - a. When a **USEPA-approved Total Maximum Daily Load (TMDL)** report includes a **WLA** of zero for the **pollutant of concern** for the **Small MS4**.
 - b. For which a **TMDL** report assigns a **USEPA-approved WLA** to the **Small MS4** for a **pollutant of concern**, unless the **permittee** complies with all terms and conditions of this permit, and Appendix A.
9. Discharges from the activity of chemically treating **stormwater** within a **Small MS4** to remove phosphorus, unless the **permittee** complies with Appendix B.

C. Permit Authorization

In order for an applicant to be authorized to discharge **stormwater** from a **Small Municipal Separate Storm Sewer System (MS4)** under this permit:

1. The applicant shall submit an application for coverage under this permit in accordance with Part II.
2. The **Commissioner** shall review the permit application for completeness and compliance with this permit. If an application is determined to be incomplete; the **Commissioner** will notify the applicant, indicate why the application is incomplete, and request that the applicant resubmit the application.
3. The **Commissioner** shall make a preliminary determination, on the complete permit application, as to whether the permit should be issued or denied in accordance with Minn. R. ch. 7001. The **Commissioner** shall provide public notice with the opportunity for hearing on the determination. Upon approval by the **Commissioner**, applicants are authorized to discharge **Stormwater** from **Small MS4** under the terms and conditions of this permit.

4. The applicant shall receive written notification from the **Agency** indicating that permit coverage has been granted.

D. Transfer of Ownership or Control

Where the ownership or significant operational control of the **Small MS4** changes, after the submittal of an application under Part II, a new application must be submitted in accordance with Part II.

E. Issuance of Individual Permits

1. The **owner/operator** may request an individual permit in accordance with Minn. R. 7001.0210, subp.6, for authorization to discharge **stormwater** associated with a **Small MS4**.
2. The **Agency** may require an individual permit for the applicant or **permittee**, in accordance with Minn. R. 7001.0210, subp. 6.

F. Rights and Responsibilities

1. The **Commissioner** may modify this permit or issue other permits, in accordance with Minn. R. ch. 7001, to include more stringent effluent limitations or permit requirements that modify or are in addition to the minimum control measures in Part III.E of this permit, or both. These modifications may be based on the **Commissioner's** determination that such modifications are needed to protect water quality.
2. Additional **Small MS4s** may be designated for coverage under this permit in accordance with Minn. R. ch. 7090. The **Owner/Operator** of a **Small MS4** that is designated for coverage must comply with the permit requirements by the dates specified in the **Commissioner's** designation documents.

PART II. APPLICATION REQUIREMENTS AND SCHEDULE

A. New Applicants

To become a **new permittee** authorized to discharge **stormwater** under this permit, the **owner/operator** of a **Small MS4** shall meet the following requirements, in accordance with the schedule provided in the written notification from the **Agency** indicating that permit coverage is required:

1. Submit Part 1 of the permit application (includes the permit application fee).
2. Submit Part 2 of the permit application, with the **Stormwater Management Program (SWMP)** summary completed in accordance with Part II.C of this permit.

B. Existing Permittees

All **existing permittees** seeking to continue discharging **stormwater** associated with a **Small MS4** after the **effective date** of this permit shall submit Part 2 of the permit application (form provided by the **Commissioner**), with the **Stormwater Management Program (SWMP)** summary completed in accordance with Part II.C of this permit, in accordance with the schedule in Table 1, below. **NOTE: Existing permittees** were required to submit Part 1 of the permit application prior to the expiration date (May 31, 2011) of MS4 General Permit No. MNR040000 issued March 3, 2006.

C. Stormwater Management Program (SWMP) Summary Requirements

New permittees and **Existing permittees** shall submit a summary of each **SWMP** component listed below when seeking coverage under this permit. The **SWMP** summary shall become an enforceable part of this permit upon approval by the **Commissioner** and any modifications made to the **SWMP** summary subsequent to **Commissioner** approval shall also become enforceable provisions of this permit. The **SWMP** summary shall be submitted on a form provided by the **Commissioner** and shall include, at a minimum, the following:

1. Partnerships. A summary of any partnerships the **permittee** has entered into, or plans to enter into, in accordance with Part III.A of this permit. The summary shall include:
 - a. The names of organizations with which the **permittee** has entered into a partnership,
 - b. Start and end dates of all agreements, and
 - c. Specific activities or requirements of the permit for which each partner has agreed to be responsible.
2. Regulatory Mechanism(s). A summary of all Regulatory Mechanism(s) the **permittee** uses, or plans to use, to comply with Part III.E.3, 4, and 5, of this permit. This summary shall include the following information:

- a. The specific type of Regulatory Mechanism(s) the **permittee** has chosen to comply with each part above (e.g. ordinance, policy, permit, etc.). If the Regulatory Mechanism(s) has not been developed at the time of application for this permit, the **permittee** shall indicate the current status of development and include a schedule for completion in Part II.C.2.b, below.
 - b. A schedule for incorporating the terms and conditions outlined in Part III.E.3, 4, and 5 into a Regulatory Mechanism(s) if not already completed at time of application.
3. Enforcement Response Procedures (ERP). A summary that describes the **permittee's** ERP as they pertain to the requirements of Part III.C of this permit. The **permittee** shall clearly state portions of an ERP that is already complete at the time of application. If the **permittee** has not yet developed the ERP at the time of application, the summary must include;
- a. A list of main tasks to be completed in order to complete the ERP, and
 - b. A schedule for completion of the ERP.
4. Map and Inventory. A summary that describes the status of the **permittee's** storm sewer system map and inventory as required Part III.D of this permit. The summary must indicate whether each requirement stated in Part III.D is "complete" or "not complete". For each "not complete", the **permittee** shall include;
- a. A list of main tasks to be completed in order to complete the requirement, and
 - b. A schedule for completion of the requirement.
5. A summary of the following information for each Minimum Control Measure outlined in Part III.E:
- a. The **Best Management Practices (BMPs)** the **permittee** will implement, or has implemented for each Minimum Control Measure,
 - b. The measurable goals for each of the **BMPs**, including, as appropriate, the months and years in which the **permittee** will undertake required actions, including interim milestones and the frequency of the action, in narrative or numeric form, as appropriate. This includes schedules and procedures for an assessment process, required by Part III.E.6 for all constructed ponds and constructed wetlands,
 - c. For **BMPs** to be implemented at a future date, the estimated timeline(s) (months, years) in which the **permittee** will implement each **BMP**, and
 - d. Individual(s) responsible for implementing and/or coordinating each component of the Minimum Control Measure.

D. Application for Reauthorization

If a permit has been issued by the **Agency** and the **permittee** holding the permit desires to continue the permitted activity beyond the expiration date of the permit, the

permittee shall submit a written application for permit reissuance at least 180 days before the expiration date of the existing permit. (Minn. R. 7001.0040, subp.3)

Table 1
Application Schedule for Existing Permittees

| Group 1 Within 90 days after permit effective date | Group 2 Within 120 days after permit effective date | Group 3 Within 150 days after permit effective date |
|----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| Albert Lea City | Anoka City | Anoka County |
| Alexandria City | Anoka-Ramsey Community College | Apple Valley City |
| Andover City | Austin City | Barnett City |
| Anoka Technical College | Baxter City | Big Lake City |
| Arden Hills City | Big Lake Township | Blaine City |
| Benton County | Bloomington City | Brooklyn Township |
| Birchwood Village City | Brainerd City | Brooklyn Center City |
| Brooklyn Park City | Buffalo City | Burnsville City |
| Cambridge City | Carver City | Carver County |
| Capitol Region WD | Century College | Chanhassen City |
| Cascade Township | Champlin City | Circle Pines City |
| Centerville City | Clay County | Cloquet City |
| Chaska City MS4 | Coon Creek WD | Coon Rapids City |
| Columbia Heights City | Corcoran City | Cottage Grove City |
| Credit River Township | Crystal City | Dakota County |
| Dakota County Technical College | Dayton City | Deephaven City |
| Dellwood City | Dilworth City | Duluth City |
| Detroit Lakes City | Eagan City | Eden Prairie City |
| Duluth Township | East Grand Forks City | Empire Township |
| East Bethel City | Elk River City | Falcon Heights City |
| Edina City | Elko New Market City | Faribault City |
| Excelsior City | Fairmont City | Fergus Falls City |
| Farmington City | Forest Lake City | Gem Lake City |
| Federal Medical Center | Fridley City | Grant City |
| Glencoe City | Golden Valley City | Ham Lake City |
| Grand Rapids City | Hastings City | Haverhill Township |
| Greenwood City | Haven Township | Hennepin Tech College Eden Prairie |
| Hennepin County | Hennepin Technical College Brooklyn Park | Hermantown City |
| Hibbing City | Hopkins City | Houston County |
| Hilltop City | Hutchinson City | Independence City |
| Hugo City | Jackson Township | La Crescent Township |
| Inver Grove Heights City | La Crescent City | Lake Elmo City |
| Inver Hills Community College | Lake Superior College - Duluth | Le Sauk Township |
| Laketown Township | Landfall City | Lexington City |
| Lakeville City | Lauderdale City | Lilydale City |
| Lino Lakes City | Litchfield City | Little Canada City |
| Little Falls City | Loretto City | Louisville Township |
| Long Lake City | Mankato City | Maple Grove City |

| Group 1 Within 90 days after permit effective date | Group 2 Within 120 days after permit effective date | Group 3 Within 150 days after permit effective date |
|----------------------------------------------------------|-----------------------------------------------------------|-----------------------------------------------------------|
| Mahtomedi City | Marion Township | Medicine Lake City |
| Maple Plain City | Marshall City | Mendota Heights City |
| Maplewood City | Mendota City | Metropolitan State University |
| Medina City | Midway Township | Minden Township |
| Minneapolis Municipal Storm Water | Minnehaha Creek WD | Minnesota Correctional-Lino Lakes |
| Minnesota Correctional-St Cloud | Minnetonka City | Minnetrista City |
| Minnetonka Beach City | MN State Comm and Tech College-Moorhead | MN State University-Moorhead |
| MNDOT Metro District | Montevideo City | Mound City |
| MNDOT Outstate District | Moorhead City | Mpls Community/Tech College |
| Monticello City | Mounds View City | Newport City |
| New Brighton City | New Hope City | North Branch City |
| New Ulm City | Normandale Community College | North Mankato City |
| North Hennepin Community College | North Oaks City | North St Paul City |
| Northfield City | Nowthen City | Olmsted County |
| Northland Comm & Tech College-EGRO | Oakdale City | Otsego City |
| Oak Grove City | Osseo City | Owatonna City |
| Orono City | Prior Lake City | Prior Lake-Spring Lake WSD |
| Pine Springs City | Proctor City | Ramsey-Washington Metro WD |
| Plymouth City | Ramsey County Public Works | Redwood Falls City |
| Ramsey City | Red Wing City | Rice Lake Township |
| Rice Creek WD | Robbinsdale City | Rochester City |
| Richfield City | Rochester Community & Tech College | Rosemount City |
| Rochester Township | Roseville City | Sauk Rapids Township |
| Sartell City | Sauk Rapids City | Savage City |
| Scott County | Shakopee City | Shoreview City |
| Sherburne County | South Washington WD | Spring Lake Park City |
| Shorewood City | Spring Park City | St Anthony Village City |
| South St Paul City | St Cloud City | St Cloud State University |
| Spring Lake Township | St Joseph City | St Joseph Township |
| St Bonifacius City | St Louis Park City | St Paul Community & Tech College |
| St Cloud Technical College | St Michael City | St Paul Municipal Storm Water |
| St Louis County | Stearns County | Sunfish Lake City |
| St Paul Park City | Stillwater City | U of M-Duluth |
| St Peter City | Tonka Bay City | U of M-Twin Cities Campus |
| Vadnais Heights City | Valley Branch WD | Victoria City |
| Waconia City | Washington County | Wayzata City |
| Waite Park City | Watab Township | White Bear Lake City |
| Waseca City | West St Paul City | Willmar City |
| West Lakeland Township | Willernie City | Woodbury City |
| White Bear Township | Winona City | Worthington City |
| Woodland City | | |

PART III. STORMWATER MANAGEMENT PROGRAM (SWMP)

The **permittee** shall develop, implement and enforce a **SWMP** designed to **reduce** the discharge of pollutants from the **Small MS4** to the **Maximum Extent Practicable (MEP)**, protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act.

New permittees shall complete all requirements of Part III.A-E within the schedule provided by the **Commissioner** at the time of authorization to discharge **stormwater** under this permit. Unless a different schedule is specified for a specific component of the **SWMP** below, **existing permittees** shall complete revisions to incorporate requirements of Part III.A-E into an existing **SWMP** within 12 months after the permit **effective date**.

A. Partnerships

The **permittee** is authorized under this permit to partner with other entities on the design, implementation, and enforcement of one or more requirements of this permit. If the **permittee** enters into a partnership with another entity to meet one or more permit requirements, the **permittee** maintains legal responsibility for compliance with all terms and conditions of this permit. If the **permittee** chooses to partner with another entity, the **permittee** shall document as part of the **SWMP**, the following:

1. Name of all entities with which agreements have been made,
2. Start and end dates of all agreement, and
3. Specific details of all agreements, including permit requirements all partners will meet under the agreement.

B. Regulatory Mechanism(s)

The **permittee** shall develop, implement and enforce a Regulatory Mechanism(s) to meet the terms and conditions of Part III.E.3, 4, and 5. A Regulatory Mechanism(s) for the purposes of this permit can consist of, but may not be limited to, contract language, an ordinance, permits, standards, or a combination of such mechanisms. **Existing permittees** shall continue implementation and enforcement of any existing Regulatory Mechanism(s) until revisions to incorporate requirements of this permit are complete.

C. Enforcement Response Procedures (ERP)

1. The **permittee** shall develop and implement an Enforcement Response Procedure (ERP) that defines the strategies the **permittee** will implement to enforce and compel compliance with the Regulatory Mechanism(s) developed by the **permittee** in accordance with Part III.B. The ERP shall describe procedures for the implementation of the following types of enforcement tools:
 - a. Verbal Warnings – Verbal warnings must specify the nature of the violation and can include verbal corrective actions,

- b. Written Notices – Written notices must cite the specific violation and the Regulatory Mechanism(s) violated, and must include corrective actions with deadlines,
- c. Escalated Enforcement Measures – The **permittee** shall employ one or any combination of the enforcement tools below, to escalate enforcement responses where necessary to address persistent non-compliance, repeat violations, or occurrences of environmental harm:
 - (1) Citations (with fines),
 - (2) Stop work orders,
 - (3) Withholding of plan approvals,
 - (4) Withholding of funds received through bonding,
 - (5) Withholding other authorizations (e.g. certificate of occupancy),
 - (6) Other measures – The **permittee** may use other measures allowed under local legal authorities.
- 2. All enforcement conducted by the **permittee** pursuant to the ERP shall be documented and tracked. Documentation shall include, at a minimum, the following:
 - a. Name of owner or operator violating the terms and conditions of the **permittee's** Regulatory Mechanism(s),
 - b. Dates and locations of observed violations,
 - c. Descriptions of violations, including citations of Regulatory Mechanism(s),
 - d. Corrective actions (including schedule for completion) issued by the **permittee**,
 - e. Description of the type(s) of enforcement response used to compel compliance (e.g. verbal warning, written notices, citation, stop work order, withholding of local authorizations, etc),
 - f. Referrals to other regulatory organizations, and
 - g. Date the non-compliance was resolved.

D. Mapping And Inventory

1. Mapping

New permittees shall develop, and **existing permittees** shall up-date, a storm sewer system map that depicts the following:

- a. Any pipes, ditches and swales, including **stormwater** flow direction that are part of the **permittee's** **Small MS4**,
- b. All **outfalls** and drainage areas to those **outfalls**. Each mapped **outfall** shall be assigned a unique identification (ID) number by the **permittee** and include an associated Latitude/Longitude coordinate,
- c. All streams, lakes and **wetlands**, including the name of the water body, within the **permittee's** jurisdiction that receive **stormwater** discharges from the **Small MS4**,
- d. All grit chambers, sumps, floatable skimmers and traps, separators, and other small treatment **BMPs** that are part of the **permittee's** **Small MS4**,

- e. All infiltration, filtration, and bio-retention **BMPs** that are part of the **permittee's Small MS4**, and
- f. All constructed ponds and constructed wetlands that are inventoried as required by Part III.D.2.

2. Inventory

The **permittee** shall complete an inventory of all constructed ponds and constructed **wetlands** within the **permittee's** jurisdiction that collect **stormwater** via constructed conveyances. (NOTE: for purposes of this part, a **stormwater** pond is a treatment pond constructed and operated for water quality treatment, **stormwater** detention, and flood control. **Stormwater** ponds do not include areas of temporary ponding, such as ponds that exist only during a construction project or short-term accumulations of water in road ditches). (2009 Minnesota Session Law, Ch. 172. Sec. 28).

New permittees shall complete the inventory according to the schedule provided by the **Commissioner**. **Existing permittees** shall submit the inventory with the **SWMP** summary as outlined in Part II.C. For assistance in completing this inventory, the **permittee** may refer to the **Agency's** guidance document "*MS4 Stormwater Pond/Wetland Inventory Data Requirements*". Each feature inventoried, for purposes of meeting this requirement, shall include the following information:

- a. A unique identification (ID) number assigned by the **permittee**,
- b. Geographic coordinates (e.g. latitude/longitude) of the estimated center of the feature,
- c. Type (e.g. constructed pond, constructed wetland),
- d. The year (if known) the feature began collecting **stormwater** via a constructed conveyance,
- e. Water surface area expressed in acres, at the normal water level as established by the outlet. In the case of dry ponds, surface area of the bottom of the pond expressed in acres,
- f. Ownership (e.g. Name of City, County, Township, Watershed District, Private, State, Unknown, etc),
- g. Maintenance authority (e.g. Name of City, County, Township, Watershed District, Private, State, Unknown, etc),
- h. Function(s) (e.g. water quality, rate control, flood control, infiltration/volume control, no control, unknown, or other as determined by the **MS4**), and
- i. Number of inlets and outlets.

E. Minimum Control Measures

The **permittee** shall incorporate the following six Minimum Control Measures into the **SWMP**. The **permittee** shall document as part of the **SWMP** a description of **BMPs** used for each Minimum Control Measure, responsible person and department in charge, an implementation schedule, and measureable goals that will be used to determine the success of each **BMP**. **Existing permittees** shall continue implementation of Minimum

Control Measures required under their existing permit until revisions are complete to incorporate requirements of this permit.

1. Public Education And Outreach

The **permittee** shall design and implement an effective public education and outreach program that identifies at least three (3) priority areas that will be emphasized for education and outreach during this permit term, based on current or upcoming **stormwater**-related issues. The program must also be designed to:

- a. Increase public awareness of the impact **stormwater** discharges have on water bodies,
- b. Include actions that citizens, businesses, and other local organizations can take to **reduce** the contamination of **stormwater**,
- c. Involve the distribution of educational materials to the community and/or conduct equivalent outreach activities focused on:
 - (1) Impacts of uncontrolled **stormwater** discharges to the **Small MS4**,
 - (2) How to **reduce** pollution in **stormwater** discharges through proper management and disposal of pet waste, household chemicals, yard waste and deicing materials,
 - (3) Prevention and elimination of **illicit discharges** and how **illicit discharges** can be reported to the **permittee**.
- d. Have a mechanism to evaluate behavior change in the community resulting from the implementation of the education program.
- e. Describe how the education program is coordinated with, and makes effective use of, other **stormwater** education programs being conducted in the area by other entities.
- f. Identify the following for each priority area selected:
 - (1) The target audience(s) involved,
 - (2) Educational goals for each audience (e.g. increased awareness, increased understanding, acquired skills, desired behavior change, etc),
 - (3) Activities or actions that will take place to reach each educational goal for each audience,
 - (4) Activity implementation plans, including responsible department in charge, entities responsible for given activities, and schedules, and
 - (5) Performance measures with clearly defined baselines that will be used to assess success in reaching the established educational goals.

2. Public Participation/Involvement

- a. The **permittee** shall develop and implement, or continue to develop and implement, a Public Participation/Involvement program to solicit public input and opinion on the adequacy of the **Stormwater Management Program (SWMP)**. For purposes of meeting this requirement, the **permittee** shall:

- (1) Provide opportunities for the public to participate in the development, implementation, and review of the **SWMP**. Public meetings can be conducted to satisfy this permit requirement provided appropriate public notice and opportunity to participate and comment on the **SWMP** is provided.
 - (2) Provide access to a copy of the **SWMP** summary, Annual Reports, and other documentation that supports or describes the **SWMP** (e.g. local Water Management Plan, Regulatory Mechanism(s), etc) for public review, upon request.
 - (3) Develop and implement Standard Operating Procedures (SOPs) for the receipt and consideration of public input, both oral and written, submitted by the public to the **permittee**, regarding the **SWMP**.
- b. Public Participation/Involvement program documentation

The **permittee** shall document and track the following information as part of this program:

- a. All relevant input (including materials) submitted by interested persons regarding the **permittee's SWMP**,
- b. All responses from the **permittee** in response to written and/or oral comments received,
- c. Date and location of events held for purposes of compliance with this Minimum Control Measure,
- d. Notices provided to the public of any events scheduled as a result of this requirement, including any electronic correspondence (website, email distribution list notices, etc).

3. **Illicit Discharge Detection and Elimination (IDDE).**

The **permittee** shall develop, implement and enforce an effective program to detect and eliminate **illicit discharges** into the **Small MS4**. The IDDE program shall consist of the following:

- a. A map of the **Small MS4** as required by Part III.D.1,
- b. A Regulatory Mechanism(s) that effectively prohibits **non-stormwater discharges** into the **Small MS4**, except those **non-stormwater discharges** authorized under Part I.B.1,
- c. Standard Operating Procedures (SOPs) for conducting on-going inspections, including dry-weather (e.g. periods of 72 or more hours of no precipitation) field screening, for purposes of detecting and eliminating **illicit discharges**. These SOPs shall, at a minimum, consist of the following:
 - (1) **Outfall prioritization.** The **permittee** shall prioritize **outfalls** to be inspected for **illicit discharges** based on, at a minimum, the following factors:
 - (a) Size and characteristics of the drainage area,
 - (b) Population density of the drainage area,

- (c) Traffic density of the drainage area,
 - (d) Age of potential sources (e.g. existing infrastructure, industry, buildings, etc) of **illicit discharges** in the drainage area, and
 - (e) Land use types within the drainage area.
- (2) Using the **outfall** prioritization, the **permittee** shall develop a schedule for conducting visual observations and assessments of **outfalls** within the **permittee's** jurisdiction to determine if there is flow during periods of dry-weather. Flow during periods of dry-weather indicate the potential of an **illicit discharge** and shall be investigated to determine the source of the discharge. If flow is observed, the **permittee** shall document any of the following discharge characteristics: Color, Odor, Turbidity, Oil sheen, Surface scum, and any other characteristics indicating the potential presence of **non-stormwater discharges** or illegal dumping.
- (3) Responding to known or suspected **illicit discharges** from **outfalls** or other areas. The **permittee** shall include, at a minimum, the following as part of the SOPs:
- (a) Procedures, including expedited response times, for investigating and locating the source of potential **illicit discharges** within the drainage area of which the **illicit discharge** was detected;
 - (b) Procedures for responding to spills, including emergency response procedures to prevent spills from entering the MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area), if the source of the **illicit discharge** is a spill or leak as defined in Minn. Stat. § 115.061, and
 - (c) If the source of the **illicit discharge** is found, the **permittee** shall use the Enforcement Response Procedures (ERP) required by Part III.C (if necessary) to eliminate the **illicit discharge** and require any needed corrective actions.
- d. **Illicit Discharge Detection and Elimination Program Documentation**
- The **permittee** shall document and track the following information as part of this program:
- (1) Records describing times and locations where IDDE screening was conducted in accordance with Part III.E.3.c.
 - (2) Complaints received, including dates and follow-up actions,
 - (3) Dates of discovery and elimination of all **illicit discharges**,
 - (4) Identification of **outfalls**, or other areas, from which **illicit discharges** have been discovered,
 - (5) The source (including a description and the responsible party) of all **illicit discharges** (if known), and
 - (6) Actions taken by the **permittee** to eliminate all discovered **illicit discharges**.

4. Construction Site **Stormwater** Runoff Control

The **permittee** shall design, implement, and enforce an effective Construction Site **Stormwater** Runoff Control program that **reduces** pollutants in **stormwater** runoff to the **Small MS4** from all **construction activity** that occurs within the **permittee's** jurisdiction. The program shall incorporate the following components:

Commented [rgn1]: We need to make it clear here, or in the definitions section, that the municipality's program must cover all sites where \geq acre of land is disturbed. The definitions section talks about small disturbances that are part of a larger plan of development but does not clearly state the ≥ 1 acre requirement.

a. Regulatory Mechanism(s).

A Regulatory Mechanism(s) that provides protection equivalent to the **Agency's** most current version of the *General Permit to Discharge Stormwater Associated with Construction Activity*, and that establishes, at a minimum, the following:

Commented [rgn2]: We need this permit language to track more closely with the Federal effluent guidelines for stormwater discharges from construction activity. This touches on the key topics but overall is not quite as stringent as the effluent guidelines. See the accompanying file, which is a summary of what would be needed per the effluent guidelines.

- (1) Requirements that operators of **construction activity** incorporate, into site plans, appropriate erosion and sediment control **BMPs** that will **reduce** the discharge of pollutants to **stormwater**,
- (2) Requirements for operators of **construction activity** to submit site plans to the **permittee** for review and approval, prior to project initiation,
- (3) Requirements for operators of **construction activity** to conduct regular inspections, document and track each inspection, and keep records of all rainfall amounts, until the project is complete,
- (4) Requirements and criteria under which dewatering activities can be performed by the operator of a **construction activity**,
- (5) Requirements and criteria for **BMP** maintenance to be conducted by the operator of a **construction activity**,
- (6) Requirements for operators of **construction activity** to properly manage solid wastes and hazardous wastes on each project site, and
- (7) Requirements for operators of **construction activity** to establish perennial vegetative cover on all exposed soils upon the completion of **construction activity**.

b. Site plan Review

The program shall include Standard Operating Procedures (SOPs), including a checklist, for site plan reviews conducted by the **permittee** to ensure compliance with requirements of the Regulatory Mechanism(s) in Parts III.E.4 and 5. The site plan review procedures must also consider potential water quality impacts to waters receiving discharges from **construction activity**.

c. Public input

The program shall include SOPs for receipt and consideration of information submitted by the public, to the **permittee**, regarding proposed **construction activities**.

d. Site Inspections

The **permittee** shall develop SOPs for site inspections, conducted by the **permittee**, to determine compliance with the **permittees** Regulatory Mechanism(s). The SOPs shall:

- (1) include procedures for identifying priority sites for inspection based on topography, soil characteristics, and type of water(s) receiving discharges,
- (2) Identify frequency at which the **permittee** will conduct site inspections for each level of priority,
- (3) Identify **persons** within the **permittee's** organization that is responsible for conducting site inspections, and
- (4) Include a checklist to be used when conducting site inspections.

Commented [rgn3]: Do we want to say anything about a minimum amount of inspection activity that must take place. It could be difficult to enforce using this language, since it leaves the question about what we are expecting (with regard to inspection activity) somewhat open-ended. For example, at least 10% of active sites must be inspected. Or at least 25% of high-priority construction sites must be inspected each year.

- e. Enforcement Response Procedures (ERPs) required by Part III.C of this permit.
- f. Construction Site **Stormwater** Runoff Control program documentation

The **permittee** shall document and track the following information as part of this program:

- (1) For each site plan review – The project name, location, owner/operator, and any comments and supporting documentation used by the **permittee** to determine project approval or denial, and
- (2) All inspection checklists generated from each site inspection conducted by the **permittee**.

5. Post-Construction **Stormwater** Management

The **permittee** shall design, implement, and enforce an effective Post-Construction **Stormwater** Management program that **reduces** water quality impacts from all **construction activity** within the **permittee's** jurisdiction. The program shall consist, at a minimum, of the following:

Commented [rgn4]: Should we make it clear here that the permittee's program needs to address sites where construction activity occurred and ≥ 1 acre of land was disturbed? Also, shouldn't the sentence make reference to post-construction stormwater impacts vs. "impacts from all construction activity"?

- a. A Regulatory Mechanism(s) that incorporates:

- (1) Standards for Post-construction **stormwater** management.

The **permittee** shall develop and implement standards that require the use of any combination of **stormwater BMPs** with highest preference given to **Green Infrastructure** techniques and practices (e.g. infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc) necessary to meet the following standards on the site of a **construction activity**:

- (a) For new development projects – Unless precluded by the **Stormwater** management limitations and exceptions outlined in Part III.E.5.a.(2), below, no net increase (on an annual average basis) of:

- 1) **Stormwater** discharge Volume,

- 2) **Stormwater** discharges of Total Suspended Solids (TSS), and
 - 3) **Stormwater** discharges of Total Phosphorus
- (b) For redevelopment projects – Unless precluded by the **Stormwater** management limitations and exceptions outlined in Part III.E.5.a.(2), below, a net reduction, to the **MEP** (on an annual average basis) of:
- 1) **Stormwater** discharge Volume,
 - 2) **Stormwater** discharges of Total Suspended Solids (TSS), and
 - 3) **Stormwater** discharges of Total Phosphorus
- (c) For new development or redevelopment projects, a reduction or matching of peak flow rates from the 1 year, 2 year, 10 year, and 100 year storm events on the site of each **construction activity**.
- (2) **Stormwater** management limitations and exceptions
- (a) Limitations
- 1) The **permittee's** Regulatory Mechanism(s) shall, at a minimum, prohibit the use of infiltration techniques to achieve the standards outlined in Part III.E.5.a.(1) when the infiltration device will receive discharges from, or be constructed in:
 - a) Areas where industrial facilities are not authorized to infiltrate industrial **stormwater** under an **NPDES Industrial Stormwater** Permit issued by the **Agency**,
 - b) Areas where vehicle fueling and maintenance occur,
 - c) Areas that have the potential to receive uncontrolled spills,
 - d) Areas with less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally **saturated soils** or the top of bedrock,
 - e) Areas where high levels of contaminants (as defined by the **Agency**) exist in the soil through which infiltration will occur.
 - 2) The **permittee's** Regulatory Mechanism(s) shall restrict the use of infiltration techniques to achieve the standards outlined in Part III.F.5.a.(1), sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will receive discharges from, or be constructed in:
 - a) Areas of predominately Hydrologic Soil Group D (clay) soils,
 - b) Areas within 1,000 feet up-gradient, or within 100 feet down-gradient of active karst features,
 - c) Areas within 400 feet of a community water system well or within 100 feet of a private water supply well, and
 - d) Areas where soil infiltration rates are more than 8.3 inches per hour,

Commented [rgn5]: Should we make it clear here "matching" means matching pre-construction and post construction hydrology?

Commented [rgn6]: Do we have a definition of what is "high"? Perhaps from the Brownfields program?

(b) Exceptions for meeting the volume control standard

The **permittee's** Regulatory Mechanism(s) may allow a lesser volume standard than that outlined in Part III.E.5.a (1) (a) and (b) only under the following circumstances: (Note: This exception only applies to volume control)

- 1) The **owner or operator of a construction activity** is precluded from infiltrating **stormwater** through a designed system due to any of the infiltration prohibitions described above and/or
 - 2) Both the site of the original **construction activity** and any potential mitigation site is located in areas of predominately Hydrologic Soil Group D (clay) soils, and
 - 3) The **owner or operator of the construction activity** implements, to the **Maximum Extent Practicable (MEP)**, other volume reduction **stormwater BMPs** (e.g. evapotranspiration, reuse/harvesting, conservation design, green roofs, etc) on the site of the original **construction activity** and/or a mitigation site that **reduces stormwater** discharge volume, but may not meet the volume standard found in Part III.E.5.a (1) (a) and (b).
- (3) Mitigation provisions for circumstances where the **permittee** or other owners and operators of a **construction activity** cannot meet the standards of Part III.E.5.a (1) on the site of the original **construction activity** due to any of the limitations above. For this purpose, the **permittee** shall identify priority areas within the watershed where mitigation projects can be completed. The mitigation provisions of the Regulatory Mechanism(s) shall ensure that any **stormwater** discharges of TSS, Phosphorus, or Volume not addressed on the site of the original **construction activity** are addressed through mitigation, and at a minimum, shall ensure the following mitigation requirements are met:
- (a) Mitigation may be implemented at a location separate from the original **construction activity**, but must be in the same drainage area and yield benefits to the same receiving water,
 - (b) Mitigation projects must involve the creation of new structural treatment **BMPs** or the retrofit of existing structural **BMPs**,
 - (c) Routine maintenance of **BMPs** already required by this permit cannot be used to meet mitigation requirements of this Part,
 - (d) Mitigation projects shall be completed within 12 months after the initiation of the original **construction activity**,
 - (e) The **permittee** shall determine, and document, who will be responsible for long term maintenance on all mitigation projects,
 - (f) If the **permittee** receives payment from the owner or operator of a **construction activity** for mitigation purposes in lieu of the **owner or operator** of that **construction activity** meeting the provision of Part III.E.5.a (1)(a) or (b), the **permittee** shall apply any payment in lieu funds

received to a public **stormwater** project and all projects must be in compliance with the provisions of Part III.E.5.a.(3)(a)-(e).

- (4) Provisions for the establishment of maintenance agreements (including easements) or other legal mechanisms between the **permittee** and owners or operators responsible for the long term maintenance of **BMPs** not owned or operated by the **permittee**, that have been implemented to meet the standard specified in Part III.E.5.a.(1)(a) or (b). The maintenance agreement or other legal mechanism shall include provisions that, at a minimum:

Commented [rgn7]: It is good to mention easements for access, but this does not cover preservation of the BMPs themselves. Should we add some language into this section requiring that BMPs be "protected" or "preserved" with no diminishment in performance? One suggestion on possible language is pasted in as a new sub-paragraph (c).

- (a) Allows the **permittee** to conduct inspections of **BMPs** not owned or operated by the **permittee**, perform necessary maintenance, and assess costs for those **BMPs** when the **permittee** determines that the owner or operator of that **BMP** has not conducted maintenance adequate to meet the goals of this permit.
- (b) Includes conditions that will preserve the **permittee's** right to ensure maintenance responsibility, for **BMPs** not owned or operated by the **permittee**, when those responsibilities are legally transferred to another party.
- ~~(b)(c)~~ Includes conditions that will protect/preserve into the future open space, infiltration areas, and other **BMPs** and site features that are implemented to comply with Part III.E.5.a of this Permit. If site configurations or **BMPs** change in the future, new or improved **BMPs** must be implemented to ensure Part III.E.5.a performance standards continue to be met.

b. Post-Construction **Stormwater** Management program documentation

The **permittee** shall document and track the following information as part of this program:

- (1) Any supporting documentation used by the **permittee** to determine compliance with Part III.E.4.a (1) (a) and (b), including: name of the owner/operator and location of construction activity, any checklists used for conducting plan reviews, and any calculations used to determine compliance with volume, TSS, Phosphorus or rate standards.
- (2) All supporting documentation associated with mitigation projects authorized by the **permittee** in accordance with Part III.E.5.a (3), above.
- (3) The **permittee** shall document and track all payment-in-lieu funds received and utilized in accordance with Part III.E.5.a.(3)(f).
- (4) All maintenance agreements or other legal mechanisms drafted in accordance with Part III.E.5.a.(4), including date(s) of the agreement(s) and names of all responsible parties involved.

6. Pollution Prevention/Good Housekeeping For Municipal Operations

Existing permittees shall continue to develop and implement, and **new permittees** shall develop and implement, an operation and maintenance program designed to

prevent or **reduce** the discharge of pollutants from **permittee** owned and/or operated facilities and operations. The operation and maintenance program shall include, at a minimum, the following components:

a. Design and Implementation of **Best Management Practices (BMPs)**

Where any facility or operation contributes pollutants to **stormwater** runoff, the **permittee** shall, to the Maximum Extent Practicable (MEP), design and implement **BMPs** that eliminate exposure of **stormwater** with potential pollutants. Where exposure cannot be eliminated, the **permittee** shall develop and implement **BMPs** that divert, treat, infiltrate, reuse, contain, or otherwise **reduce** pollutants in **stormwater** discharges. The **permittee** shall base the design and implementation of **BMPs** on the following factors:

- (1) Typical urban pollutants and **stormwater** runoff characteristics that may adversely affect downstream receiving waters that include, but may not be limited to: Sediment, Nutrients, Metals, Hydrocarbons (e.g., benzene, toluene, ethylbenzene and xylene), Pesticides, Chlorides, Thermal impacts, Excessive **stormwater** volume and rate, Trash, and Bacteria.
- (2) Sources of pollutants, and
- (3) Sensitivity of waters receiving **stormwater** discharges (e.g. Outstanding Resource Value Waters (ORVWs), **Impaired Waters**, Trout Streams, etc).

b. Standard Operating Procedures (SOPs) for:

(1) Pollution Prevention/Good Housekeeping.

Facilities and operations that are owned and/or operated by the **permittee** and that may contribute pollutants to **stormwater** shall be managed and kept sufficiently clean to **reduce** the discharge of pollutants. The SOPs shall include schedules (where appropriate) and address, at a minimum, the following:

- (a) Areas where dumpsters or other trash containers are located,
- (b) Areas where de-icing materials (e.g. salt), street sweepings, snow or other materials are stored,
- (c) Areas where Loading or un-loading of potential pollutants occur,
- (d) Areas where vehicle fueling and maintenance occurs,
- (e) Routine street and parking lot sweeping,
- (f) The use and implementation of spill prevention plans (where applicable),
- (g) The proper cleaning of maintenance equipment, building exteriors, trash containers and the disposal of the associated waste and wastewater,
- (h) The proper use, storage and disposal of chemicals (including pesticides and fertilizers),

- (i) Operations involving landscaping, park, and lawn maintenance to ensure practices (e.g. management of lawn clippings and other vegetation) are protective of water quality,
- (j) Road maintenance operations involving pothole repair, road shoulders, pavement marking, sealing and repaving,
- (k) Cold weather operations, including plowing, sanding, and application of deicing compounds.

(2) Inspections and Maintenance

(a) Annual Inspections

The **permittee** shall conduct inspections of structural **stormwater** management facilities to determine structural integrity, effectiveness, proper function and maintenance needs. Unless the **permittee** has determined that Part III.E.6.b.(2)(c) applies, the **permittee** shall perform:

1) A minimum of one annual inspection of:

- a) Ditches and swales as mapped in accordance with Part III.D.1.a.,
- b) Small **stormwater** treatment **BMPs** mapped in accordance with Part III.D.1.b.,
- c) Infiltration, filtration, and bio-retention **BMPs** mapped in accordance with Part III.D.1.c.,
- d) All flow control structures that are part of the **permittee's** Small **MS4**,
- e) A sufficient number of constructed ponds and constructed **wetlands** (as inventoried in accordance with Part III.D.2) such that each device is inspected at least once during the permit term, and
- f) A sufficient number of **outfalls** such that each **outfall** is inspected at least once during the permit term. These inspections may be combined with the **outfall** inspection requirements of Part III.E.3 (**illicit discharge** detection) and must also be conducted to determine structural integrity and potential maintenance needs.

2) A minimum of one quarterly inspection of:

- a) All stockpile areas (e.g. de-icing materials, street sweepings, snow, etc), that are owned and/or operated by the **permittee**,
- b) All storage and material handling areas that are owned and/or operated by the **permittee**,

(b) Maintenance

The **permittee** shall ensure the structural integrity, proper function, and treatment effectiveness of structural **stormwater** management facilities by developing and implementing SOPs (e.g. thresholds, rating systems, or other measurable standards) under which maintenance and repair must be conducted in order to **reduce** the discharge of pollutants to **stormwater**. The **permittee's** SOPs shall address:

- 1) Routine maintenance (e.g. vegetation management, debris or trash removal, sediment removal, etc). Routine maintenance SOPs must also include proper disposal of all waste removed from the **Small MS4**, specifically addressing proper disposal methods of sediment removed from all sediment capturing **BMPs** performed as a result of maintenance. Sediment removed from the **Small MS4** shall be managed consistent with "Managing Dredged Materials in the State of Minnesota" guidance provided by the **Agency**.
- 2) Non-routine maintenance (e.g. emergency repairs due to structural failure, etc).

(c) Inspection and Maintenance Frequency Adjustments

If patterns of maintenance become apparent after two years of inspections conducted in accordance with the requirements of this permit, the **permittee** may adjust the frequency of inspections as follows:

- 1) If maintenance or sediment removal is required as a result of each of the first two annual or quarterly inspections, the frequency of inspections shall be increased as needed to prevent carry-over or washout of pollutants from **BMPs** or stored materials to **reduce** the discharge of pollutants to **stormwater**.
- 2) If maintenance or sediment removal is not required as a result of the first two annual or quarterly inspections, the **permittee** is authorized to reduce the frequency of inspections to once every two (2) years, and every other quarter, respectively.

(3) Assessments of Constructed Ponds and Constructed **Wetlands**

The **permittee** shall complete the development of an assessment process (including a schedule and procedures for conducting assessments) for purposes of determining the treatment effectiveness of all **permittee** owned and/or operated constructed ponds and constructed **wetlands** required to be inventoried in accordance with Part III.D.2. The **permittee** shall prioritize the completion of individual assessments based on an evaluation of the environmental importance of the **BMP** to the protection of receiving waters. The schedule and procedures which the **permittee** intends to utilize for conducting these assessments shall be outlined in the **SWMP** summary required to be submitted to the **Agency** upon application for authorization under this permit in accordance with Part II.C.

Data collected to complete the assessments must include the following components for each constructed pond and constructed **wetland**:

- (a) Calculation of the **stormwater** volume flowing to the **BMP** based on factors within the watershed including the watershed area, impervious cover, soil types and land use,
 - (b) Actual **BMP** volumes including both the permanent storage volume and temporary water quality storage volume based on the **BMP** geometry and inlet, outlet (invert), and overflow spillway elevations,
 - (c) Whether the inlets and outlets of the **BMP** are pipes or an open channel and the diameters of any pipes,
 - (d) The flow path of **stormwater** through the **BMP** related to the distance and position of the inlet(s) and outlet(s),
 - (e) Whether there is a fore-bay, sediment basin or stilling basin at the inlet to the **BMP**,
 - (f) The percentage of the permanent pool surface area which is covered by aquatic vegetation,
 - (g) Whether the **BMP** is a single or multiple pond/**wetland** design,
 - (h) Whether the **BMP** intersects the local ground water table.
- (4) Employee Training.

The **permittee** shall develop and implement a training program for employees whose job function is related to **stormwater**. The program shall include a schedule that establishes training at least annually and includes recurring training for employees as needed to address changes in procedures, techniques or requirements. The **permittee** may use training materials that are available from the USEPA, state and regional agencies, or other organizations as appropriate to meet this requirement. Required elements of the training curriculum include, but are not limited to:

- (a) General **stormwater** education, including the importance of water quality,
- (b) The requirements of this permit, with emphasis on the **permittee's**:
 - 1) Regulatory Mechanism(s) and associated Enforcement Response Procedures (ERPs),
 - 2) **Illicit Discharge** Detection and Elimination program, including the Standard Operating Procedures (SOPs),
 - 3) Construction Site **Stormwater** Runoff Control program, including all associated SOPs,
 - 4) Post-Construction **Stormwater** Management program, and
 - 5) Pollution Prevention/Good Housekeeping for Municipal Operations program, including SOPs developed for facilities and for conducting inspections and maintenance of the **MS4**.

- (c) Selecting and installing appropriate **BMPs**, including **Green Infrastructure** techniques and practices.

(5) Operation and Maintenance Program Documentation

The **permittee** shall document the following information as part of this program:

(a) Sediment dredging activities, including:

- 1) The unique ID number (consistent with that required by Part III.D.2) of each constructed pond or constructed **wetland** from which sediment was dredged,
- 2) The date the dredging activity occurred and quantity (e.g. cubic yards) of sediment removed,
- 3) Methods used and laboratory results from any testing of sediment from each dredging activity, and
- 4) Methods used, and locations of, final disposal of sediment from each constructed pond or constructed **wetland**.

(b) Inspection and maintenance activities, including:

- 1) Facilities inspected, including dates and a description of findings, and
- 2) A description of any maintenance conducted, including dates, as a result of inspection findings.

(c) Employee training events, including a list of topics covered, dates of each event and attendees for each event.

F. Stormwater Management Program (SWMP) Modification Requirements

1. The **Commissioner** may require the **permittee** to modify the **SWMP** as needed, in accordance with the procedures of Minn. R. ch. 7001, and may consider the following factors:
 - a. Discharges from the storm sewer system are impacting the quality of waters receiving the discharges,
 - b. More stringent requirements are necessary to comply with state or federal regulations,
 - c. Additional conditions are deemed necessary to comply with the goals and requirements of the Clean Water Act or **water quality standards**.
2. Modifications that the **permittee** chooses to make to the **SWMP**, other than modifications allowed in Part F.3 below, must be approved by the **Commissioner** in accordance with the procedures of Minn. R. ch. 7001. All requests must be in writing, setting forth schedules for compliance. The request must discuss alternative

program modifications, assure compliance with requirements of the permit, and meet other requirements of the permit and applicable laws.

3. The **SWMP** may only be modified by the **permittee** without prior approval of the **Commissioner**, provided it is in accordance with the following:
 - a. A **BMP** is added, and none subtracted, from the **SWMP**,
 - b. A less effective **BMP** identified in the **SWMP** is replaced with a more effective **BMP**. The alternate **BMP** shall address the same, or similar, concerns as the ineffective or failed **BMP**, and
 - c. The **Commissioner** is notified of the modification in the Annual Report for the year the modification is made.

DRAFT

PART IV. ANNUAL ASSESSMENT, ANNUAL REPORTING AND RECORD KEEPING

A. Annual Assessment

The **permittee** shall conduct an Annual Assessment of the **Stormwater Management Program (SWMP)** to determine program compliance, the appropriateness of **Best Management Practices (BMPs)**, and progress towards achieving the measurable goals identified in the **SWMP** summary completed in accordance with Part II.C. The Annual Assessment shall be performed prior to completion of each Annual Report required by Part IV.B.

B. Annual Reporting

The **permittee** shall submit an Annual Report to the **Agency** by June 30th of each year. The Annual Report shall cover the portion of the previous calendar year that the **permittee** was authorized to discharge **stormwater** under this permit. Annual Reporting shall consist of the following:

1. A general summary of the Annual Assessment conducted in accordance with Part IV.A. The summary shall include:
 - a. The status of compliance with permit terms and conditions, including an assessment of the appropriateness of **BMPs** identified by the **permittee** and progress towards achieving the identified measurable goals for each of the Minimum Control Measures. The assessment must be based on results of information collected and analyzed, including monitoring (if any), inspection findings, and public input received during the reporting period,
 - b. The **Stormwater** activities the **permittee** plans to undertake during the next reporting cycle.
 - c. A change in any identified **BMPs** or measurable goals for any of the Minimum Control Measures,
 - d. A statement that the **permittee** is relying on another entity to satisfy some one or more permit requirements (if applicable), and what agreements the **permittee** has entered into in support of this effort.
2. Partnerships
 - a. **Program Development Period** for existing permittees and new permittees:

Year 1 Annual Report - The **permittee** shall report on the status of development of any partnerships being implemented under the provisions of Part III.A.
 - b. **Program Implementation Period** for existing permittees and new permittees:

Year 2 Annual Report - At a minimum, the **permittee** shall report the items required in Part III.A (1-3) for any partnerships the **permittee** has entered into and shall detail any activities undertaken by the **permittee's** partner(s) to fulfill

specific permit requirements as outlined in any agreements for the previous calendar year.

Years 3-5 Annual Reports - At a minimum, the **permittee** shall report on any revisions to existing partnerships including the items in Part III.A. (1-3), and shall detail any activities undertaken by the **permittee's** partner(s) to fulfill specific permit requirements as outlined in any agreements for the previous calendar year.

3. Regulatory Mechanism(s)

a. **Program Development Period** for existing permittees and new permittees:

Year 1 Annual Report - At a minimum, the **permittee** shall report on the status of development of any regulatory mechanism (**new permittees**), or revisions to any Regulatory Mechanism (**existing permittees**) under development, to meet the terms and conditions of Part III.E.3, 4, and 5 including interim milestones.

b. **Program Implementation Period** for existing permittees and new permittees:

Year 2 Annual Report - At a minimum, the **permittee** shall submit to the **Agency** the Regulatory Mechanism(s) (**new permittees**) or revisions to any Regulatory Mechanism(s) (**existing permittees**) developed to meet the terms and conditions of Part III.E.3, 4, and 5 as required by Part III.B.

Year 3-5 Annual Report - At a minimum, the **permittee** shall report on revisions to any regulatory mechanism(s) required under Part III.B.

4. Enforcement Response Procedures (ERP)

a. **Program Development Period** for existing permittees and new permittees:

Year 1 Annual Report - At a minimum, the **permittee** shall report on the status of development of the ERP, including the status of any partnerships under development to meet the permit conditions in Part III.C.

Existing permittees shall report on any enforcement actions taken under the **permittees** existing enforcement procedures and Regulatory Mechanism(s) as required by Part III.B.

b. **Program Implementation Period** for existing permittees and new permittees:

Years 2-5 Annual Report - At a minimum, the **permittee** shall report on the completed ERP as required by Part III.C, including:

- (1) The number of completed enforcement actions taken during the reporting year as documented and tracked in Part III.C.2. and,

- (2) A description of any unresolved non-compliance documented by the permittee,
- (3) Any corrective actions issued for resolving the non-compliance, and
- (4) Escalated enforcement procedures.

5. Mapping And Inventory

a. **Program Development Period for existing permittees and new permittees:**

Year 1 Annual Report - At a minimum, the permittee shall report on the status of the development of (new permittees), or updates to (existing permittees) the storm sewer system map.

b. **Program Implementation Period for existing permittees and new permittees:**

Years 2-5 Annual Report - At a minimum, the permittee shall report on updates to the storm sewer system map as required by Part III.D.1.

Year 3 Annual Report (for new permittees only) - The permittee shall submit to the Agency a completed inventory as required in Part III.D.2.

6. Public Education And Outreach

a. **Program Development Period for existing permittees and new permittees:**

Year 1 Annual Report - At a minimum, the permittee shall report on the status of the development of (new permittees) or revisions to (existing permittees) the education and outreach program.

Existing permittees shall also report any outreach conducted, including activities held and educational materials distributed for the previous calendar year.

b. **Program Implementation Period for existing permittees and new permittees:**

Year 2 Annual Report - At a minimum, the permittee shall report on the following for the previous calendar year:

- (1) All performance measures developed by the permittee with defined baselines that will be used to assess success in reaching established educational goals, and
- (2) The priority areas that will be emphasized for education and outreach during the permit term, including the information outlined in Part III.E.1.f., and
- (3) Activities held to reach educational goals, and
- (4) Educational materials distributed.

Years 3-5 Annual Report - At a minimum, the **permittee** shall report on the following for the previous calendar year:

- (1) A description of any community behavior changes observed by the permittee, or partner, as a result of the mechanism developed in accordance with Part III.E.1.d. of the permit, and
- (2) Activities held during the previous calendar year to reach educational goals, and
- (3) Educational materials distributed for the previous calendar year, and
- (4) Any revisions to the education and outreach program, including priority areas and performance measures.

7. Public Participation/Involvement

Program Development and Implementation Periods for existing permittees and new permittees:

Years 1-5 Annual Report - At a minimum, **permittees** shall report on the following items for the previous calendar year:

- a. The annual public meeting or public input session held including the date, time, location and number of attendees, and
- b. Location where a copy of the **SWMP** summary was made available for public review, and
- c. Any input received, and
- d. Any record of decision documented.

8. **Illicit Discharge Detection And Elimination (IDDE).**

a. **Program Development Period for existing permittees and new permittees:**

Year 1 Annual Report - At a minimum, the **permittee** shall report on the status of the **illicit discharge** detection and elimination program, including interim milestones for development of the following components of the IDDE program:

- (1) Written procedures for:
 - (a) Dry weather screening,
 - (b) Responses to suspected **illicit discharges**,
 - (c) **Outfall** prioritization,
 - (d) A schedule for conducting visual observations and assessments of **outfalls**, and
 - (e) Any Regulatory Mechanism(s) and enforcement response procedures as indicated previously in Part III.B. and Part III.C.

b. **Program Implementation Period for existing permittees and new permittees:**

Year 2 Annual Report - At a minimum, the **permittee** shall report on the following completed components of the IDDE program for the previous calendar year:

- (1) Written procedures for:
 - a. Dry weather screening,
 - b. Responses to suspected **illicit discharges**,
 - c. **Outfall** prioritization.
- (2) A schedule for conducting visual observations and assessments of **outfalls**,
- (3) Any **outfalls** screened for **illicit discharges**,
- (4) The number of **illicit discharges** discovered,
- (5) Any actions taken by the **permittee** to eliminate **illicit discharges** discovered including any enforcement actions taken under the **permittee's** Regulatory Mechanism(s) and enforcement response procedures,
- (6) Any IDDE training conducted, including number of staff and topics covered.

Years 3-5 Annual Report - At a minimum, the **permittee** shall report on the following for the previous calendar year:

- (1) **Outfalls** screened for **illicit discharges**,
- (2) The number of **illicit discharges** discovered,
- (3) Any IDDE training conducted, including number of staff and topics covered,
- (4) Any actions taken by the **permittee** to eliminate **illicit discharges** discovered over the reporting year including any enforcement actions taken under the **permittee's** Regulatory Mechanism(s) and enforcement response procedures,
- (5) Any revisions to the IDDE program.

9. Construction Site **Stormwater** Runoff Control

a. **Program Development Period** for existing permittees and new permittees:

Year 1 Annual Report - At a minimum, the **permittee** shall report on the status of development of written procedures required under the Construction Site **Stormwater** Runoff Control program including the following:

- (1) Site plan review,
- (2) Public input,
- (3) Construction site inspections,
- (4) Any regulatory mechanism(s) and enforcement response procedures as indicated previously in Part III.B. and Part III.C.

Existing permittees shall also report on the following components of an existing program:

- (1) The number of inspections conducted, and

- (2) Frequency of inspections, and
- (3) Number of site plan reviews, and
- (4) Staff training conducted, and
- (5) Any enforcement actions taken under the permittee's existing enforcement procedures and regulatory mechanism(s) as required by Part III.B.

b. Program Implementation Period for existing permittees and new permittees:

Years 2-5 Annual Report - At a minimum, the permittee shall report on the following for the previous calendar year:

- (1) The number of active construction sites within the permittee's jurisdiction,
- (2) The number of inspections conducted,
- (3) Frequency of inspections,
- (4) Number of site plan reviews,
- (5) Any enforcement actions taken under the permittee's Regulatory Mechanism(s) and enforcement response procedures.

10. Post-Construction Stormwater Management

a. Program Development Period for existing permittees and new permittees:

Years 1-2 Annual Report - At a minimum, the permittee shall report on the status of development of the Post-Construction Stormwater Management Program including the the Regulatory Mechanism(s) and enforcement response procedures as previously indicated in Part III.B. and Part III.C.

b. Program Implementation Period for existing permittees and new permittees:

Years 3-5 Annual Report - At a minimum, the permittee shall report on the following for the previous calendar year:

- (1) Development and implementation of mitigation procedures as outlined in Part III.E.5.a.(2),
- (2) Any maintenance agreements developed in accordance with Part III.E.5.a.(3).

11. Pollution Prevention/Good Housekeeping For Municipal Operations

a. Program Development Period for existing permittees and new permittees:

Year 1 Annual Report - At a minimum, the permittee shall report on the status of development of the following:

- (1) Standard Operating Procedures (SOPs),
- (2) Design and Implementation of BMPs,
- (3) Employee Training,
- (4) Assessments of Constructed Ponds and Constructed Wetlands.

Existing permittees shall report on the following components of the permittees existing operation and maintenance program for the previous calendar year:

- (1) Any inspections conducted,
- (2) Any maintenance activity,
- (3) Employee training activities.

b. **Program Implementation Period for existing permittees and new permittees:**

Years 2-5 Annual Report - At a minimum the permittee shall report on the following for the previous calendar year:

- (1) Inspections conducted as required in Part III.E.6.2.a.,
- (2) Maintenance conducted as required in Part III.E.6.2.b. including projected maintenance for the next year budgeted during the reporting period,
- (3) Employee training activities,
- (4) Sediment dredging activity as required in Part III.E.6.b.5.a.,
- (5) Procedures, schedules, and activity conducted under assessments as outlined in Part III.E.6.b.3.

12. If the permittee is required to comply with Appendix A, the permittee shall submit the form required by Appendix A, completed, with each Annual Report.

13. If the permittee is required to comply with Appendix B, the permittee shall submit with each Annual Report, the information outlined in Part C of Appendix B.

C. **Record Keeping Requirements**

1. The permittee shall keep records required by the NPDES permit for at least three (3) years beyond the term of this permit. The permittee shall submit records to the Commissioner only if specifically asked to do so.
2. The permittee shall make records, including the Stormwater Management Management Program (SWMP) summary, available to the public at reasonable times during regular business hours (see 40 CFR § 122.7 for confidentiality provision).
3. The permittee shall retain copies of the permit application, all documentation necessary to comply with Stormwater Management Program (SWMP) requirements, all data and information used by the permittee to complete the application process, and any information developed as a requirement of this permit or as requested by the Commissioner, for a period of at least three (3) years beyond the date of permit expiration. This period is automatically extended during the course of an unresolved enforcement action regarding the Small MS4 or as requested by the Commissioner.

D. **Where to Submit**

The **permittee** shall use an electronic submittal process, when provided by the **Agency**, when submitting information required by this permit. When submitting information electronically is not possible, the **permittee** may use the following mailing address:

Minnesota Pollution Control Agency (MPCA)
Attn: WQ Submittals Center
520 Lafayette Road North
St. Paul, MN 55155-4194

D A T A

PART V. GENERAL PROVISIONS

- A. The **Agency's** issuance of a permit does not release the permittee from any liability, penalty, or duty imposed by Minnesota or federal statutes or rules or local ordinances, except the obligation to obtain the permit. (Minn. R. 7001.0150, subp.3, item A)
- B. The **Agency's** issuance of a permit does not prevent the future adoption by the **Agency** of pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards, or orders against the permittee. (Minn. R. 7001.0150, subp.3, item B)
- C. The permit does not convey a property right or an exclusive privilege. (Minn. R. 7001.0150, subp. 3, item C)
- D. The **Agency's** issuance of a permit does not obligate the **Agency** to enforce local laws, rules, or plans beyond that authorized by Minnesota statutes. (Minn. R. 7001.0150, subp.3, item D)
- E. The **permittee** shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the **Agency** and in compliance with the conditions of the permit. (Minn. R. 7001.0150, subp. 3, item E)
- F. The **permittee** shall at all times properly operate and maintain the facilities and systems of treatment and control and the appurtenances related to them which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. The permittee shall install and maintain appropriate backup or auxiliary facilities if they are necessary to achieve compliance with the conditions of the permit and, for all permits other than hazardous waste facility permits, if these backup or auxiliary facilities are technically and economically feasible. (Minn. R. 7001.0150, subp. 3, item F.)
- G. The **permittee** may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the **Agency** or to the **Commissioner** by the permit. The permittee shall immediately upon discovery report to the **Commissioner** an error or omission in these records, reports, plans, or other documents. (Minn. R. 7001.0150, subp.3, item G., 7001.1090, subps. 1, items G and H and Minn. Stat. Sec. 609.671)
- H. The **permittee** shall, when requested by the **Commissioner**, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by the permit or regarding the conduct of the activity covered by the permit. (Minn. R. 7001.0150, subp. 3, item H)
- I. When authorized by Minn. Stat. §§ 115.04; 115B.17, subd. 4; and 116.091, and upon presentation of proper credentials, the **Agency**, or an authorized employee or agent of

the **Agency**, shall be allowed by the **permittee** to enter at reasonable times upon the property of the **permittee** to examine and copy books, papers, records, or memoranda pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit; and to conduct surveys and investigations, including sampling or monitoring, pertaining to the construction, modification, or operation of the facility covered by the permit or pertaining to the activity covered by the permit. (Minn. R. 7001.0150, subp.3, item I)

- J. If the **permittee** discovers, through any means, including notification by the **Agency**, that noncompliance with a condition of the permit has occurred, the **permittee** shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance. (Minn. R. 7001.0150, subp.3, item J)
- K. If the **permittee** discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the **permittee** shall, within 24 hours of the discovery of the noncompliance, orally notify the **Commissioner**. Within five days of the discovery of the noncompliance, the **permittee** shall submit to the **Commissioner** a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of the noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. (Minn. R. 7001.0150, subp.3, item K)
- L. The **permittee** shall report noncompliance with the permit not reported under item K as a part of the next report, which the **permittee** is required to submit under this permit. If no reports are required within 30 days of the discovery of the noncompliance, the **permittee** shall submit the information listed in item K within 30 days of the discovery of the noncompliance. (Minn. R. 7001.0150, subp.3, item L)
- M. The **permittee** shall give advance notice to the **Commissioner** as soon as possible of planned physical alterations or additions to the permitted facility (**MS4**) or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit. (Minn. R. 7001.0150, subp. 3, item M)
- N. The permit is not transferable to any **Person** without the express written approval of the **Agency** after compliance with the requirements of Minn. R. 7001.0190. A **Person** to whom the permit has been transferred shall comply with the conditions of the permit. (Minn. R. 7001.0150, subp.3, item N)
- O. The permit authorizes the **permittee** to perform the activities described in the permit under the conditions of the permit. In issuing the permit, the state and **Agency** assume no responsibility for damage to **Persons**, property, or the environment caused by the activities of the **permittee** in the conduct of its actions, including those activities authorized, directed, or undertaken under the permit. To the extent the state and **Agency** may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Tort Claims Act, Minn. Stat. § 3.736. (Minn. R. 7001.0150, subp. 3, item O)

- P. This permit incorporates by reference the applicable portions of 40 CFR §§ 122.41 and 122.42 parts (c) and (d) and Minn. R. 7001.1090, which are enforceable parts of this permit.

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APPENDIX A

Requirements For Discharges To An Impaired Water For Which A USEPA-Approved Total Maximum Daily Load (TMDL) Includes A Waste Load Allocation (WLA)

If the Small MS4 discharges to an impaired water for which a USEPA-approved TMDL includes a WLA(s) for that Small MS4, the WLA is a discharge requirement for the permittee. The permittee shall demonstrate continuing progress toward meeting that WLA. The permittee shall complete a form provided by the Commissioner, in accordance with the following schedules and documentation requirements.

Commented [rgn8]: If EPA attorneys were reviewing this, they would say the WLA is a requirement and "demonstrating progress" toward the WLA is not strong enough. As part of the solution we suggest the edits shown here.

A. Schedules

1. For each applicable WLA approved prior to the permittee's authorization to discharge stormwater under this permit, the permittee shall comply with Part B of this Appendix no later than 12 months after the permittee is authorized to discharge stormwater under this permit.
2. For each applicable WLA approved after the permittee is authorized to discharge stormwater under this permit, the permittee shall comply with Part B of this Appendix no later than 12 months after approval of the WLA.

B. Documentation - The permittee shall:

1. List all existing BMPs to be applied to each applicable WLA. The list shall also include any BMPs specifically outlined for the Small MS4 in the TMDL report. For each listed BMP, the permittee shall:
 - a. Clearly link the listed BMPs with a specific pollutant of concern, and
 - b. Provide a unique identification (ID) number and geographic coordinate for each structural BMP that is listed. If the listed BMP is also depicted on the storm sewer system map required by Part III.D, the same ID number shall be used.
2. List all activities the permittee expects will lead to a reduction in pollutant loadings as required by each applicable WLA. For each activity, the permittee shall:
 - a. Clearly link the listed activity with a specific pollutant of concern, and
 - b. Indicate the stage of completion for each activity.
3. During the required Annual Assessment in Part IV.A, up-date the estimated cumulative reductions in loading for each pollutant of concern associated with an applicable WLA.
4. During each Annual Assessment conducted in accordance with Part IV.A, up-date a narrative that describes an adaptive management strategy (including projected dates) for meeting each applicable WLA.

APPENDIX B

Requirements For Chemical Treatment Of Stormwater For Phosphorus Removal

If the activity of chemically treating stormwater to remove phosphorus occurs within the permittee's MS4, the permittee shall comply with the following:

A. Minimum Requirements of a Phosphorus Chemical Treatment System

1. Limitations

- a. The permittee shall use the treatment system for the treatment of Phosphorus in Stormwater. Non-Stormwater Discharges shall not be treated by this system.
- b. The treatment system must be contained within the conveyances and BMPs of an MS4 system. The utilized conveyances and BMPs shall not include any streams, lakes, wetlands, or non-constructed ponds.
- c. Treatment systems utilizing chemicals other than Alum or Ferric Chloride must receive written approval from the Agency.

2. Treatment System Design

- a. The treatment system shall be Off-Line.
- b. A High Flow Bypass shall be part of the inlet design.
- c. A flocculent storage/settling area shall be incorporated into the design and adequate maintenance access must be provided (typically 8 ft. wide) for the removal of accumulated sediment.

NOTE: For assistance and guidance on system design and maintenance, the permittee can refer to: "The Minnesota Stormwater Manual" and/or "Managing Dredged Materials in the State of Minnesota".

B. Monitoring

1. During operation, a designated responsible person shall perform visual monitoring of the treatment system for proper performance at least once every seven (7) days and within 24 hours after a rainfall event greater than 0.5 inches in 24 hours. Following visual monitoring which occurs within 24 hours after a rainfall event, the next visual monitoring must be conducted within seven (7) days after that.
2. Three benchmark monitoring stations shall be established. Table B-1 shall be used for the parameters, units of measure, and frequency of measurement for each station.
3. Representative samples shall be collected as Grab Samples or 24-hour Composite Samples.
4. Each sample, excluding pH samples, must be analyzed by a certified laboratory, and:

- a. The samples shall be preserved according to lab instructions and shipped to a lab within the lab's specified holding times.
- b. Detection limits for dissolved phosphorus, dissolved aluminum, and dissolved iron shall be a minimum of 6 µg/L, 10 µg/L, and 20 µg/L respectively.
- c. pH must be measured within 15 minutes of sample collection using calibrated and maintained equipment.

Table B-1: Monitoring Parameters

| Station | Alum Parameters | Ferric Parameters | Units | Frequency |
|--------------------------|------------------------|------------------------|---------|-------------------------------|
| Upstream-Background | Total Phosphorus | Total Phosphorus | mg/L | 1 x week |
| | Dissolved Phosphorus | Dissolved Phosphorus | mg/L | 1 x week |
| | Total Aluminum | Total Iron | mg/L | 1 x month |
| | Dissolved Aluminum | Dissolved Iron | mg/L | 1 x week |
| | pH | pH | SU | 1 x week |
| | Total Suspended Solids | Total Suspended Solids | mg/L | 1 x week |
| | Flow | Flow | mgd | Daily |
| Chemical Feed | Alum | Ferric | gallons | Daily total dosed in gallons. |
| Discharge from Treatment | Total Phosphorus | Total Phosphorus | mg/L | 1 x week |
| | Dissolved Phosphorus | Dissolved Phosphorus | mg/L | 1 x week |
| | Total Aluminum | Total Iron | mg/L | 1 x month |
| | Dissolved Aluminum | Dissolved Iron | mg/L | 1 x week |
| | pH | pH | SU | 1 x week |
| | Total Suspended Solids | Total Suspended Solids | mg/L | 1 x week |
| | Flow | Flow | mgd | Daily |

5. In the following situations, the **permittee** shall perform corrective actions and immediately notify the Minnesota Department of Public Safety Duty Officer at 1-800-422-0798 (toll free) or 651-649-5451 (metro area):

- a. The pH of the discharged water is not within the range of 6.0 and 9.0.
- b. Any indications of toxicity or measurements exceeding water quality standards.
- c. A spill, as defined in Minn. Stat. § 115.01, subd. 13, of Alum or Ferric Chloride.

C. Reporting & Recordkeeping

1. Annual Reporting

The **permittee** shall submit the following information with the Annual Report required by Part IV.B of the permit. The Annual Report must include a month by month summary of:

- a. Dates of operation
- b. Chemical(s) used for treatment
- c. Gallons of water treated
- d. Gallons of chemical treatment used
- e. Calculated pounds of phosphorus removed
- f. Calculated pounds of TSS removed
- g. A summary of any performance issues and the corrective actions taken

2. On-Site Recordkeeping

A record of the following design parameters shall be kept on-site:

- a. Site specific jar testing conducted using typical and representative water samples in accordance with ASTM D2035-08 (2003).
- b. Baseline concentrations of the following parameters in the influent and receiving waters:
 - (1) Aluminum or Iron
 - (2) Phosphorus
 - (3) Total Suspended Solids
- c. The following system parameters and how each was determined:
 - (1) Flocculent settling velocity
 - (2) Minimum required retention time
 - (3) Rate of diversion of stormwater into the system
 - (4) The flow rate from the discharge of the outlet structure
 - (5) Range of expected dosing rates

D. Treatment System Management

Site-specific Standard Operating Procedures (SOPs) shall be developed and a copy kept on-site. The SOP shall include the following:

1. Procedures for the installation, operation and maintenance of all pumps, generators, control systems and other equipment.
2. Specific parameters for determining when the solids must be removed from the system and specify the proper handling and disposal of the solids.
3. Procedures for cleaning up and/or containing a spill of each chemical stored on-site.

APPENDIX C:

DEFINITIONS AND ABBREVIATIONS

The definitions in this Part are for purposes of this permit only.

1. **"Agency"** means the Minnesota Pollution Control Agency or MPCA. (Minn. Stat. § 116.36, subd. 2.)
2. **"Applicable WLA"** – means a **WLA** assigned to the **permittee** and approved by the **USEPA**.
3. **"Best Management Practices"** or **"BMPs"** means practices to prevent or **reduce** the pollution of the **Waters of the State**, including schedules of activities, prohibitions of practices, and other management practices, and also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal or drainage from raw material storage. (Minn. R. 7001.1020, subp.5.)
4. **"Commissioner"** means the **Commissioner** of the Minnesota Pollution Control Agency or the **Commissioner's** designee. (Minn. Stat. § 116.36, subd. 3.)
5. **"Construction Activity"** includes **construction activity** as defined in 40 C.F.R. pt. 122.26(b)(14)(x) and **small construction activity** as defined in 40 C.F.R. pt. 122.26(b)(15). This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated **stormwater** runoff, leading to soil erosion and movement of sediment into **surface waters** or drainage systems. Examples of **construction activity** may include clearing, grading, filling, and excavating. **Construction activity** includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more.
6. **"Effective Date"** means the date located on the front cover of this permit.
7. **"Existing Permittee"** means an **Owner/Operator** of a **Small Municipal Separate Storm Sewer System (MS4)** that has been authorized to discharge **stormwater** under a previously issued General Permit for **Small MS4s** in the State of Minnesota.
8. **"General Permit"** means a permit issued under Minn. R. 7001.0210 to a category of permittees whose operations, emissions, activities, discharges, or facilities are the same or substantially similar.
9. **"Green Infrastructure"** - An adaptable term used to describe an array of products, technologies, and practices that use natural systems – or engineered systems that mimic natural processes – to enhance overall environmental quality and provide utility services. As a general principal, **Green Infrastructure** techniques use soils and vegetation to infiltrate, evapotranspire, and/or recycle **stormwater** runoff. When used as components of a **stormwater** management system, **Green Infrastructure** practices such as green roofs, porous pavement, rain gardens, and vegetated swales can produce a variety of environmental benefits. In addition to effectively retaining and infiltrating rainfall, these

technologies can simultaneously help filter air pollutants, reduce energy demands, mitigate urban heat islands, and sequester carbon while also providing communities with aesthetic and natural resource benefits.

10. **"High Flow Bypass"** means a function of an inlet device which allows a certain flow of water through, but diverts any higher flows away. They are generally used for **BMPs** which can only treat a designed amount of flow and higher flows would negatively affect it.
11. **"Illicit Discharge"** means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a **NPDES** permit (other than the **NPDES** permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities. (40 CFR § 122.26(b)(2))
12. **"Impaired Water"** means waters identified as impaired by the Agency, and approved by the **USEPA**, pursuant to section 303(d) of the Clean Water Act (33 U.S.C. § 303(d)).
13. **"Maximum Extent Practicable" "MEP"** is the statutory standard (33 U.S.C. § 1342(p)(3)(B)(iii)) that establishes the level of pollutant reductions that an **Owner** or **Operator** of **Regulated MS4s** must achieve. The **USEPA** has intentionally not provided a precise definition of **MEP** to allow maximum flexibility in **MS4** permitting. The pollutant reductions that represent **MEP** may be different for each **Small MS4**, given the unique local hydrologic and geologic concerns that may exist and the differing possible pollutant control strategies. Therefore, each permittee will determine appropriate **BMPs** to satisfy each of the six minimum control measures through an evaluative process. The **USEPA** envisions application of the **MEP** standard as an iterative process.
14. **"Municipal separate storm sewer system or MS4"** means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:
 - a. owned or operated by a state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district, or drainage district or similar entity, or an Indian tribe or an authorized Indian tribe organization, or a designated and approved management agency under section 208 of the federal Clean Water Act, United States Code, title 33, section 1288, that discharges into **waters of the state**;
 - b. designed or used for collecting or conveying storm water;
 - c. that is not a combined sewer; and
 - d. that is not part of a publicly owned treatment works as defined in Code of Federal Regulations, title 40, section 122.2.

Municipal separate storm sewer systems do not include separate storm sewers in very discrete areas, such as individual buildings. (Minn. R. 7090.0800, subp. 8).

15. **"New Permittee"** means an **Owner/Operator** of a **Small Municipal Separate Storm Sewer System (MS4)** that has not been authorized to discharge **stormwater** under a previously issued **General Stormwater Permit for Small MS4s** in the State of Minnesota and that applies for, and obtains coverage under this permit.
16. **"Non-Stormwater Discharge"** means any discharge not comprised entirely of **stormwater**.
17. **"Off-Line"** means a system that has been constructed in a manner which separates it from the watershed and prevents it from accepting **stormwater** flow that would negatively affect the treatment capacity of the system and from discharging improperly treated **stormwater** from the system.
18. **"Operator"** means the **Person** with primary operational control and legal responsibility for the **Municipal Separate Storm Sewer System**.
19. **"Outfall"** means the point source where a **Municipal Separate Storm Sewer System** discharges from a pipe, ditch, or other discrete conveyance to receiving waters, or to other **Municipal Separate Storm Sewer Systems**. It does not include diffuse runoff or conveyances which connect segments of the same stream or water systems.
20. **"Owner"** means the **Person** that owns the **Municipal Separate Storm Sewer System**.
21. **"Permittee"** means a **person** or **persons**, firm, or governmental agency or other institution that signs the permit application submitted to the **Agency** and is responsible for compliance with the terms and conditions of this permit.
22. **"Person"** means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.
23. **"Pollutant of Concern"** means a pollutant specifically identified in a **USEPA**-approved **Total Maximum Daily Load (TMDL)** report as causing a water quality impairment.
24. **"Program Development Period"** means the period after the **permittee** is authorized to discharge **stormwater** under this permit when the **permittee** designs or develops activities, **BMPs**, tasks or other measures to include in the **Stormwater Management Program (SWMP)**.
25. **"Program Implementation Period"** means the period after the design or development of the **Stormwater Management Program (SWMP)** when the **permittee** implements the **SWMP**.
26. **"Record of Decision"** means a record of the comments and the **permittee's** response to comments where such record is required in this permit.

27. **"Reduce"** means **reduce** to the **Maximum Extent Practicable (MEP)** unless otherwise defined in the context in which it is used.
28. **"Saturated Soil"** means the highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. **Saturated soil** is evidenced by the presence of redoximorphic features or other information.
29. **"Small Municipal Separate Storm Sewer System", "Small MS4", "MS4"** means all separate storm sewers that are:
1. Owned or operated by the United States, a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, **stormwater**, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States.
 2. Not defined as "large" or "medium" **Municipal Separate Storm Sewer Systems** pursuant to 40 CFR §122.26 paragraphs (b)(4) and (b)(7) or designated under paragraph (a)(1)(v).
 3. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
30. **"Stormwater"** means **stormwater** runoff, snow melt runoff, and surface runoff and drainage. (Minn. R. 7090.0080, subp.12.)
31. **"Stormwater Management Program" or "SWMP"** means a comprehensive program developed by the permittee to manage and **reduce** the discharge of pollutants from the **Small MS4**.
32. **"Total Maximum Daily Load" or "TMDL"** means the sum of the individual **wasteload allocations** for point sources and load allocations for nonpoint sources and natural background, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (i). A **TMDL** sets and allocates the maximum amount of a pollutant that may be introduced into a **water of the state** and still assure attainment and maintenance of **water quality standards**. (Minn. R. 7052.0010 Subp. 42)
33. **"Waste Load Allocation", or "WLA"** means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution, as more fully defined in Code of Federal Regulations, title 40, section 130.2, paragraph (h). In the absence of a TMDL approved by EPA under Code of Federal Regulations, title 40, section 130.7, or an assessment and remediation plan developed and approved according to part 7052.0200, subpart 1, item C, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from

and complies with all applicable water quality standards and criteria. (Minn. R. 7052.0010 Subp. 45)

34. **"Water Quality Standards"** means those provisions contained in Minn. R Chapters 7050 and 7052.
35. **"Waters of the State"** means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. (Minn. Stat. § 115.01, subd. 22.)
36. **"Wetlands"** are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. **Wetlands** generally include swamps, marshes, bogs, and similar areas. Constructed **Wetlands** designed for wastewater treatment are not **Waters of the State**. **Wetlands** must have the following attributes:
1. A predominance of hydric soils;
 2. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition; and
 3. Under normal circumstances support a prevalence of such vegetation. (Minn. R. 7050.0186, subp. 1a.B.)

ABBREVIATIONS AND ACRONYMS

- BMP - Best Management Practice
- CFR - Code of Federal Regulations
- CWA - Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq*
- EPA - U. S. Environmental Protection Agency
- ERP - Enforcement Response Procedure
- MS4 - Municipal Separate Storm Sewer System
- NPDES - National Pollutant Discharge Elimination System
- SDS - State Disposal System
- TMDL - Total Maximum Daily Load
- TSS - Total Suspended Solids
- USEPA - United States Environmental Protection Agency.
- WLA - Wasteload Allocation